

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

TERRY M. JENKINS)	
)	
Plaintiff,)	
)	
v.)	No. 16-3002-STA-egb
)	
WILLIAM OLDHAM, Sheriff and)	
CATHY SILVERSTEIN, Shelby County)	
Public Defender)	
)	
Defendants.)	

AMENDED ORDER OF DISMISSAL

On December 22, 2016, Plaintiff Terry M. Jenkins (“Jenkins”) who at the time of filing was a pre-trial detainee at the Shelby County Criminal Justice Center in Memphis, Tennessee, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983, followed by a motion for leave to proceed *in forma pauperis*. (ECF Nos. 1 & 4.) The Court granted Jenkins leave to proceed *in forma pauperis* and assessed the civil filing fee pursuant to the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. §§ 1915(a)-(b). (ECF No. 9.) The Court subsequently learned based on Jenkins’s filings in a separate matter that Jenkins had been released from jail. (*Jenkins v. City of Memphis, et al.*, Case No. 17-cv-2441, ECF No. 8.) Jenkins has not yet paid the filing fee.

On January 19, 2018, the Court directed Jenkins to complete a non-prisoner *in forma pauperis* affidavit or pay the entire \$400 filing fee¹ within 30 days, that is on or before February

¹ Twenty-eight U.S.C. § 1914(a) requires a civil filing fee of \$350. In addition, § 1914(b) requires the clerk to “collect from the parties such additional fees . . . as are prescribed by the Judicial Conference of the United States.” The Judicial Conference has prescribed an additional administrative fee of \$50 for filing any civil case, except for cases seeking habeas corpus and

20, 2018.² The Clerk mailed Jenkins a copy of the Court's order and a non-prisoner *in forma pauperis* affidavit. The Court's order specifically cautioned Jenkins that his failure to comply with the Court's instructions in a timely manner would result in the dismissal of this action without further notice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Jenkins has not complied with the Court's January 19, 2018, order by the deadline set by the Court. Jenkins has not submitted a non-prisoner *in forma pauperis* affidavit or the \$400 filing fee. Therefore, Jenkins's complaint is **DISMISSED** without prejudice.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ **S. Thomas Anderson**
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: February 22, 2018

cases in which the plaintiff is granted leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. Therefore, if Plaintiff submits a non-prisoner affidavit and the Court finds that he still qualifies for pauper status, he will not be responsible for the additional \$50 fee.

² Day 30 actually fell on Sunday, February 18, 2018, and Monday, February 19 was a day on which the Clerk's Office was closed in observance of the President's Day holiday.